

# EXHIBIT H - GFTP Correspondence and Rationale

Ken Wilson  
Regional Vice President  
Northeast Region  
US Operations

Eastern Region Headquarters  
1 Century Drive, 3rd Floor  
Parsippany, NJ 07054  
973.682.3779  
kcwilson@fedex.com



VIA FEDEX OVERNIGHT LETTER

June 21, 2021

Kevin Campbell  
2024 31<sup>st</sup> Street  
Astoria, NY 11105  
347-825-8047

Dear Kevin,

The Guaranteed Fair Treatment Procedure (GFTP), outlined in People Policy 5-5, provides Officer Review at Step 2 in the GFTP process. A thorough review of your GFTP complaint has been completed. After reviewing all of the facts of your case, I have decided to uphold management's decision to issue you a Warning/Termination letter.

On 05/25/2021, you were issued a Warning/Termination letter for violation of the Acceptable Conduct Policy 2-5, specifically for displaying disruptive behavior in the workplace. An internal investigation has determined that your actions violated the Acceptable Conduct Policy, warranting termination.

If in good faith you believe this decision to be unfair, you have the right to proceed to the next step of the GFTP Procedure, which is the Appeals Board. In order for you to do so, please review and complete the enclosed GFTP Step III document/form within (5) business days of the receipt of this notice to: Federal Express Corporation, HR Corporate Support/GFTP, 3690 Hacks Cross Road, Building I, 3rd Floor, Memphis, TN 38125. Please note that you may email your Step III GFTP complaint and related documents to [hrc.gftp@fedex.com](mailto:hrc.gftp@fedex.com). The enclosed Step III form or email must be postmarked on or before business day (5). Your Human Resources Advisor is available for assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Wilson".

Ken Wilson  
Vice President  
Northeast Region

CC: Nan Malebranche  
Eric Warnders  
Monty Bovell

Steve Wasserman  
Lance Reyes  
HR Compliance

Ken Wilson  
Regional Vice President  
Northeast Region  
US Operations

Eastern Region Headquarters  
1 Century Drive, 3rd Floor  
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Sincerely,

A handwritten signature in black ink, appearing to read "Ken Wilson".

Ken Wilson  
Vice President  
Northeast Region

CC:	Nan Malebranche	Steve Wasserman
	Eric Warnders	Lance Reyes
	Monty Bovell	HR Compliance

Tri-State District  
510 Stewart Avenue  
Garden City, New York 11530

Telephone 516.214.9586



June 1, 2021

Kevin Campbell  
2024 31<sup>st</sup> Street  
Astoria, NY 11105  
347-825-8047

Dear Kevin:

I am in receipt of your GFTP request.

I have scheduled your Guaranteed Fair Treatment Procedure meeting for you on **Tuesday June 8, 2021 at 1:00 p.m.** The first part of your meeting will be conducted with Human Resources; following HR you will all meet with the Managing Director. Please arrive 15 minutes prior.

The meeting will be held at the **Tri-State District office located at 510 Stewart Avenue, Garden City, NY 11530**

Upon receipt of this appointment letter, please contact me at 516-462-2651 as confirmation that you will attend this meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Samuel Rodriguez".

Samuel Rodriguez  
District Administrator  
Tri-State District

LGA Station  
58-60 55<sup>th</sup> Drive  
Maspeth NY 11379

Telephone 718-894-3305



June 4, 2021

Kevin Campbell  
2024 31<sup>st</sup> Street  
Astoria NY 11105  
347-825-8047

Dear Kevin Campbell:

Below is the management rationale I provided to my Managing Director, Nanette J. Malebranche regarding your Disciplinary Letter. I have omitted any reference to specific employee names

**NOTE:** You are referred to as 'Complainant' in this document.

**Management Decision Rationale:**

On 05/25/2021, Complainant was issued a Warning Letter/Termination for violation of the Acceptable Conduct P2-5.

On 05/18/2021, during the AM Sort Operation, Complainant was involved in a verbal and physical altercation with another employee resulting in a disruption to the AM sort requiring several employees to intervene. Complainant's actions placed another employee in imminent fear for his personal safety. As a result of Complainant's aggressive behavior he was placed on an investigative suspension and later interviewed by Corporate Security.

After a thorough investigation, it was determined that Complainant's conduct was in violation of the Acceptable Conduct P2-5. As a result, Complainant's employment with FedEx was terminated on 05/25/2021.

Any additional questions or concerns that you may have can be addressed during the Step 1 GFTP meeting scheduled on 06/08/2021

Regards,

Monty Bovell  
Operations Manager  
LGA Station

cc: Lance Reyes  
File



Nanette Malebranche  
Managing Director  
Tri-State District

USGO  
510 Steward Avenue  
Garden City, NY 11530

Telephone 516.214.9591



June 10, 2021

Kevin Campbell  
2024 31st Street  
Astoria, NY 11105  
347-825-8047

Dear Kevin:

Thank you for meeting with Eric Warnders, Monty Bovell, Lance Reyes, and myself on Tuesday, 06/08/2021. After careful consideration of the facts presented to me, I have decided to uphold your Termination.

Kevin, on 05/25/2021 your employment with FedEx was terminated in accordance with the Acceptable Conduct Policy 2-5. A review of the facts surrounding your case indicates that your actions triggered the physical altercation that took place on 05/18/2021. A close look at the actions that led to the altercation, as well as the statements from witnesses, indicates your responsibility for inciting the other employee. The fact you feel you were not the aggressor in this altercation, is a moot point. You should have walked away from the situation and asked for the assistance of management. Your actions are not as innocuous as you maintain and did not demonstrate the professionalism expected of all FedEx employees. Based on the aforementioned I uphold your termination.

Should you in good faith believe this action to be unfair, you have the right to proceed to Step II of the Guaranteed Fair Treatment Process by submitting the attached form within (5) business days of the receipt of this notice. THE FORM MUST BE RECEIVED AT THE ADDRESS INDICATED BELOW ON OR BEFORE DAY (5).

FEDERAL EXPRESS CORPORATION  
3690 HACKS CROSS ROAD, BLDG I, 3RD FLOOR – HRC/GFTP  
MEMPHIS, TN 38125  
or  
email to: [hrc.gftp@fedex.com](mailto:hrc.gftp@fedex.com)

Send the original document, including the Step 2 GFTP form and any additional documents in the attached FedEx letter (the form should not be folded) using the pre-addressed airway bill. The information on these documents will be scanned into the GFTP System and electronic notifications will be sent to your Vice President, Senior Vice President and Human Resources. Please feel free to contact your H.R. Representative Lance Reyes who can be reached at 718-995-5367 if you have any further questions.

Sincerely,

A handwritten signature in black ink that reads "Nanette Malebranche".

Nanette Malebranche  
Managing Director  
Tri-State District

## GUARANTEED FAIR TREATMENT BRIEF FOR

**Employee Name**

Kevin Campbell

**Employee Number**

5261177

**Prepared By:**

Monty Bovell

**Employee Number:**

946349

## GFTP TRACKING REPORT EASTERN REGION

Employee Name: Kevin Campbell EE # 5261177

District Tri-State Managing Director: Nanette Malebranche

Type Of Complaint Termination

### GFTP Chronology

05/25/2021	Date Of Occurance
06/08/2021	Date Step I Request Received By District
06/08/2021	Date of Step I Meeting
	Date Of Step I Response Letter

### Decision Delays

	None	
	Need for Further Investigation	
	Deferred From:	to <span style="border: 1px solid black; padding: 2px 20px;"></span>
	EEO	
	Deferred From:	to <span style="border: 1px solid black; padding: 2px 20px;"></span>
	Accident Appeal	
	Deferred From:	to <span style="border: 1px solid black; padding: 2px 20px;"></span>
	Other	
	Deferred From:	to <span style="border: 1px solid black; padding: 2px 20px;"></span>

Date Delay Letter Sent To Employee:  Total Number of Days Delayed:

### STEP II TRACKING

*(This section to be completed at Regional Level)*

Date Packet Received in Regional Office:

Date Step II Letter/ On-Line Notification Received:

Date File Sent to GFTP Office:

10-Day Response Deadline:



## EASTERN REGION GFTP/EEO SUMMARY

NAME	Kevin Campbell	DOH	04/02/2017
EE#	5261177	DOT	05/25/2021
ADDRESS	2024 31st St		
CITY, STATE	Astoria, NY		
ZIP	11105		
HOME PHONE #	347-825-8047		
JOB TITLE	Courier/non-DOT		
STATION ID	LGAA		
DISTRICT	TriState		
BASIS	Termination		
APPLICABLE POLICY	Acceptable Conduct		
ISSUES	Altercation		

### PERFORMANCE REVIEWS


JOB HISTORY	FROM	TO	DEPT NAME
Courier	4/2/2017	5/25/2021	USGO

**ALL DOCUMENTS ATTACHED MUST BE ATTACHED IF APPLICABLE**  
**MISSING DOCUMENTS WILL RESULT IN REMANDING OF CASE TO PREVIOUS STEP WITH**  
**NOTIFICATION OF DELAY DUE TO MISSING PAPERWORK**

### DOCUMENT CHECKLIST

- \* Executive Summary.....
- \* Step 1 Response Letter.....
- \* GFTP/EEO Summary (this form).....
- \* Employee's Initial GFTP Complaint (from PRISM).....
- \* Step 1 Meeting Notification.....
- \* Written Statement(s)- Employee /Customer/Witness...
- \* Related Reports (e.g. FAMIS, Security, Safety).....
- \* Termination Letter.....
- \* Suspension with/ without Pay Letter.....
- \* All Warning Letters.....
- \* All Performance Reminder Letters.....
- \* Decision Day Letters (and Performance Planner).....
- \* Employee Calendars (2 most recent-front &back w/year noted.
- \* Training Records (if pertaining to complaint).....
- \* Performance Reviews (3 most recent).....
- \* All Documented Counseling .....

(X) Enter Dates Below

X	06/04/2021
X	
X	06/04/2021
X	06/04/2021
X	06/01/2021
X	05/18/2021
X	05/25/2021
X	05/25/2021
X	05/18/2021-05/25/2021
X	N/A
X	N/A
X	N/A
X	06/04/2021
X	06/04/2021
X	N/A
X	11/10/2017-02/28/2020

CASE #\_\_181877\_\_

## **GFTP COMPLAINT EXECUTIVE SUMMARY (STANDARD)**

**APPEALS BOARD SCHEDULED: Date of Appeals Board Hearing, 8:30 a.m.**

**Kevin Campbell, Emp #5261177**

F/T Courier/nonDOT– LGAA Maspeth NY)

DOH: 04/02/2017– DOT: 05/25/2021

US Operations

### **HR COMPLIANCE ANALYSIS:**

#### **HR RATIONALE: (Narrative Style)**

- HR's position stating exactly why HR concurs/does not concur with management's actions in a narrative style format
- Management's past disciplinary actions for comparable cases
- District or Regional practices as these should be consistent with corporate policy
- Policy and/or any previous communications regarding policy
- Complainant's past disciplinary actions and behavior/patterns
- Specifics from HR's discussion with Complainant that supports the rationale
- Any other relevant information regarding Complainant's case (i.e. Workplace Violence Complaints, Weapons, Alert Line, etc.)
- Include any additional information provided by Complainant at Step 1 and/or Step 2 GFTP meeting(s). Those issues and investigative findings should be summarized in the HR Rationale
- Any companion GFTPs associated with Complainant's case

#### **COMPLAINANT'S POSITION: (Bullet Style)**

- This section should be completed by the HR Advisor. In this section, the Complainant's position should include:

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- Complainant's issues of fairness raised within his/her GFTP complaint and subsequent statements, as well as issues stated during the Step 1 and/or Step 2 GFTP meeting

**NOTE:** *Each step ensures that all of Complainant's issues are stated and addressed by management at each successive level*

**NOTE:** *This is the only section that uses bullets to state each issue*

#### **A. MANAGEMENT DECISION RATIONALE: (Narrative Style)**

On 05/25/2021, Complainant was issued a Warning Letter/Termination for violation of the Acceptable Conduct P2-5.

On 05/18/2021, during the AM Sort Operation, Complainant was involved in a verbal and physical altercation with another employee resulting in a disruption to the AM sort requiring several employees to intervene. Complainant's actions placed another employee in imminent fear for his personal safety. As a result of Complainant's aggressive behavior he was placed on an investigative suspension and later interviewed by Corporate Security.

After a thorough investigation, it was determined that Complainant's conduct was in violation of the Acceptable Conduct P2-5. As a result, Complainant's employment with FedEx was terminated on 05/25/2021.

[Click Here for Instructions to Complete Management Decision Rationale Letter to Complainant](#)

#### **B. MANAGEMENT'S RESPONSE TO OTHER FAIRNESS ISSUES: (Narrative Style)**

*This section should include management's response to issues of fairness. Please provide:*

- Responses to Complainant's fairness issues raised in the Step 1 GFTP complaint
- Any companion GFTP case(s) associated with Complainant's case
- Any comparable cases in which similar discipline was issued for a similar infraction and/or policy violation
- Whether other actions or options were considered

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**MD RATIONALE: (Narrative Style)**

Complainant has been with FedEx for 4 years. During his tenure he has received 24 Counselings for various performance related issues. Complainant's termination is the result of his aggressive actions to incite a verbal and physical altercation with another employee, Augusto Alzate #5112103, on the morning sort. According to CCTV video and witness statements Complainant aggressively turned towards Augusto and chest/shoulder bumped him which caused him to lose balance and step backwards. As a result, Augusto pulled a box cutter from his pocket and started to wave it towards the Complainant. It took several Couriers to restrain Augusto and get the box cutter from him. Augusto Alzate was terminated.

During the GFTP meeting Complainant stated that Managers knew this would happen and that the other employee (Augusto) would make comments during the sort and curse him out. Complainant brought up an incident from last year when he reported another employee, Peter Lorenzi #165551, for referencing Trayvon Martin in a conversation. XXXX was disciplined for his comments. Complainant stated that other employees called him a snitch.

Complainant was questioned if he had spoken to management or Human Resources regarding the on-going issues with Augusto that he referenced. Complainant responded that he did not. When asked why he did not, he stated that "everybody knows." Complainant was asked if he had ever filed a Workplace Violence regarding any of his concerns and he replied "No." Complainant was asked if he had spoken with his Senior Manager, Eric Warnders #342531, Manager, Monty Bovell #946349 or his HR Advisor, Lance Reyes #5115732. Complainant responded that he had not spoken to anyone in regard to the issues. Monty Bovell stated that he has not heard from Augusto Alzate regarding Complainant stating that he did not split the freight at the top of the belt and that it was causing recycle.

Complainant was asked if his actions could be considered intimidating. He responded, "Yes." Complainant stated that Augusto hit him with a box. Complainant was asked about the box hitting him and how it hit him. During his security interview he stated it almost hit him. Now he is stating that it hit him. Complainant stated that it hit his forearm. Looking at the CCTV video, Augusto was pushing the box to go back towards the correct belt and may have come in contact with Complainant's arm.

Complainant was asked if he was cursing during the altercation. Complainant denied cursing. However, witness statements state they were both cursing at each other. Complainant stated that Augusto was cursing at him.

Complainant was asked if he could have just walked away. He responded no, that Augusto is always bumping me, and he pulled the box cutter. Complainant wanted management to see Augusto being angry. Complainant was asked then why not walk away and tell management. He did not agree, he wanted management to see Augusto in an angry state. Complainant was asked if he reflected back on the altercation would he walk away now. Complainant responded, "Yes."

In closing Complainant's employment with FedEx was terminated on 05/25/2021 in accordance with the Acceptable Conduct Policy 2-5. A review of the facts surrounding his case indicate that his actions triggered the physical altercation that took place on

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05/18/2021. A close look at the actions that led to the altercation, as well as the statements from witnesses, indicate his responsibility for inciting the other employee. The fact he felt he was not the aggressor in this altercation, is a moot point. Complainant's actions were intentional so that management would see Augusto angry. As a result, his actions incited the altercation. Complainant should have walked away from the situation and asked for the assistance of management. His actions are not as innocuous as he maintains and did not demonstrate the professionalism expected of all FedEx employees. Based on the aforementioned I uphold Complainant's termination. Based on allegations brought forward in Complainant's Step 1 GFTP Complaint he has been given EEO paperwork by HR Advisor, Lance Reyes.

- MD's position to uphold, modify or overturn management's decision communicated to Complainant
- District practices and similar decisions for comparable cases within the District, if any
- Any additional information presented by Complainant at the Step 1 GFTP meeting. Those issues should be investigated and addressed. If additional time is required to address issues raised, the MD should notify Complainant for the need of an extension in writing

**VP RATIONALE: (Narrative Style)**

- VP's position to uphold, modify, or overturn the Step 1 decision communicated to Complainant
- Regional practices (similar decisions for comparable cases in the Region)
- Any additional information presented by Complainant at the Step 2 GFTP meeting. Those issues should be investigated and addressed. If additional time is required to address issues raised, the VP should notify Complainant for the need of an extension in writing

**LEGAL CONSULTATION: (Narrative Style, if applicable)**

- State the legal counsel's name who provided consultation, if applicable
- State whether or not the legal counsel concurred with management's decision

**IEEO: (Narrative Style, if applicable to this GFTP)**

At Step \_\_\_ of the GFTP process, Complainant raised allegations of discrimination. An internal investigation was opened pursuant to policy or deemed ineligible for the Internal EEO process.

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**COMPANION GFTP: (Narrative Style, if applicable to this GFTP)**

- A narrative style statement indicating facts surrounding any companion cases of employees who also received disciplinary actions from management for the same or similar incident/infraction/policy violation

These cases should include employees who have or have not elected to initiate the GFTP process

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# COMPLAINANT'S PROFILE

**CURRENT POSITION:** 04/02/2021 to 05/25/2021 Courier / Non-DOT

## DISCIPLINE AND COUNSELING HISTORY:

Date	Type	Reason
11/10/2017	OLCC	Time Card Error
11/20/2017	OLCC	TLA
12/23/2017	OLCC	Punctuality
02/01/2018	OLCC	Time Card Error
02/08/2018	OLCC	Time Card Error
04/13/2018	OLCC	Time Card Error
04/19/2018	OLCC	Punctuality
05/01/2018	OLCC	Performance...Bulk Late
05/01/2018	OLCC	Performance...Missing Van Scans
05/11/2018	OLCC	Time Card Error
05/21/2018	OLCC	Performance...PO Overlook
07/18/2018	OLCC	Punctuality
08/06/2018	OLCC	Punctuality
08/30/2018	OLCC	Performance...Missing POD
10/05/2021	OLCC	Punctuality
10/12/2018	OLCC	Performance...Missing POD
01/01/2019	OLCC	Performance...OnRoad Counseling
03/19/2019	OLCC	Time Card Error
05/17/2019	OLCC	Punctuality
06/04/2019	OLCC	Performance...Missing POD
07/10/2019	OLCC	Punctuality
07/11/2019	OLCC	Performance...Lunch Break
07/26/2019	OLCC	Performance...positive OLCC
10/07/2019	OLCC	Performance...positive OLCC
11/14/2019	OLCC	Performance...OnRoad
02/05/2020	OLCC	Performance...Lunch Break
02/18/2021	OLCC	Performance...Service Failures
02/28/2020	OLCC	Performance...TLA

## LOA HISTORY (If Applicable):

From	To	# of Days
Beginning with oldest LOA history	MM/DD/YYYY	
MM/DD/YYYY	MM/DD/YYYY	
MM/DD/YYYY	MM/DD/YYYY	Total Days of LOA

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**ACCIDENT HISTORY** (If Applicable):

Date	Preventable/Non-Preventable
Beginning with oldest accident history	
MM/DD/YYYY	
MM/DD/YYYY	

**PRESENT MANAGEMENT:**

	First MI Last	
MANAGER	Monty Bovell	718-894-3305
SR. MANAGER	Eric Warnders	718-894-3305
MNG DIRECTOR	Nanette Malebranche	212-290-6619
VP	Kenneth Wilson	973-682-3779
SR VP	Shannon Brown	901-434-3350
HR REP	Lance Reyes	800-225-8488
HR MANAGER	Steven Wasserman	508-620-2005
HR SR MANAGER (if applicable)	N/A	N/A
HR MD	Crystal R. Oliver	901-434-4964

**HIRING MANAGEMENT: (for selection cases)**

	First MI Last	
MANAGER	Manager Name	000-000-0000
SR. MANAGER	Sr. Manager Name	000-000-0000
MNG DIRECTOR	MD Name	000-000-0000
VP	VP Name	000-000-0000
SR VP	Sr. VP Name	000-000-0000
HR REP	HR Rep Name	000-000-0000
HR MANAGER	HR Manager Name	000-000-0000
HR SR MANAGER (if applicable)	HR SR Manager Name	000-000-0000
HR MD	HR MD Name	000-000-0000

**NOTE:** After Step 2 information is entered, the Executive Summary must be emailed to [hrc.gftp@fedex.com](mailto:hrc.gftp@fedex.com)

CASE #\_\_181877\_\_

## **GFTP COMPLAINT EXECUTIVE SUMMARY (STANDARD)**

**APPEALS BOARD SCHEDULED: Date of Appeals Board Hearing, 8:30 a.m.**

**Kevin Campbell, Emp #5261177**

F/T Courier/nonDOT– LGAA Maspeth NY)

DOH: 04/02/2017– DOT: 05/25/2021

US Operations

### **HR COMPLIANCE ANALYSIS:**

#### **HR RATIONALE: (Narrative Style)**

Associate HR Representative Lance Reyes concurs with management's decision.

On 05/18/2021, during the sort Complainant was involved in disruptive behavior on the sort. Complainant was observed getting in an employee's face as the employee came aggressively towards him. Complainant then had to defend himself because the employee, who is now terminated, pulled a box cutter on him. It was determined that Complainant violated the Acceptable Conduct policy (P2-5); specifically displayed disruptive behavior.

During Step 1 GFTP meeting, Complainant was asked by MD Nan Malebranche what he felt was fair treatment. Complainant stated that he would like to be reinstated because of the way he was treated in the station. Complainant said the employee would address him in an inappropriate way every day. Complainant stated he wouldn't engage because he did not want to get in trouble. Complainant explained even managers seen it but never said anything about it.

According to Operations Manager Monty Bovell (#946349) Complainant never came to him with any concerns. The employee involved with Complainant did go to him and spoke about recycle. Complainant explained that everyone took it as a joke because of how short the employee was. Complainant took it seriously because he feels it stemmed from the negative backlash he received from a situation just about a year ago. MD Malebranche stated

Complainant had other options and could have dealt with things differently. MD Malebranche asked if he spoke with Senior Manager Eric Warnders and/or Associate HR Representative Lance Reyes, Complainant answered no.

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Complainant went further to talk about the negative backlash he received from reporting an employee calling him Treyvaughn Martin. Complainant explained that he did not know where to turn after the backlash because everyone made fun of him. Complainant didn't know who he could trust when it all boiled down to it. Complainant did not want to be made fun of or receive more backlash from reporting another incident. Looking back Complainant admitted he could have looked the other way, but his frustration got to him.

The feeling of being alone at station full of about 300 employees and about 9 managers is not a great feeling. Things could've have been done differently by all parties involved and should have but Complainant was backed into a wall in which he reacted in the wrong way. His actions were still inexcusable which deems the actions of management acceptable and in accordance with policy.

**COMPLAINANT'S POSITION: (Bullet Style)**

- Complainant stated he was treated unfairly.
- Complainant stated he was bullied in station.
- Complainant would like his employment to be reinstated.

**NOTE:** *Each step ensures that all of Complainant's issues are stated and addressed by management at each successive level*

**NOTE:** *This is the only section that uses bullets to state each issue*

**A. MANAGEMENT DECISION RATIONALE: (Narrative Style)**

On 05/25/2021, Complainant was issued a Warning Letter/Termination for violation of the Acceptable Conduct P2-5.

On 05/18/2021, during the AM Sort Operation, Complainant was involved in a verbal and physical altercation with another employee resulting in a disruption to the AM sort requiring several employees to intervene. Complainant's actions placed another employee in imminent fear for his personal safety. As a result of Complainant's aggressive behavior he was placed on an investigative suspension and later interviewed by Corporate Security.

After a thorough investigation, it was determined that Complainant's conduct was in violation of the Acceptable Conduct P2-5. As a result, Complainant's employment with FedEx was terminated on 05/25/2021.

[Click Here for Instructions to Complete Management Decision Rationale Letter to Complainant](#)

**B. MANAGEMENT'S RESPONSE TO OTHER FAIRNESS ISSUES: (Narrative Style)**

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*This section should include management's response to issues of fairness. Please provide:*

- Responses to Complainant's fairness issues raised in the Step 1 GFTP complaint
- Any companion GFTP case(s) associated with Complainant's case
- Any comparable cases in which similar discipline was issued for a similar infraction and/or policy violation
- Whether other actions or options were considered

**MD RATIONALE: (Narrative Style)**

Complainant has been with FedEx for 4 years. During his tenure he has received 24 Counselings for various performance related issues. Complainant's termination is the result of his aggressive actions to incite a verbal and physical altercation with another employee, Augusto Alzate #5112103, on the morning sort. According to CCTV video and witness statements Complainant aggressively turned towards Augusto and chest/shoulder bumped him which caused him to lose balance and step backwards. As a result, Augusto pulled a box cutter from his pocket and started to wave it towards the Complainant. It took several Couriers to restrain Augusto and get the box cutter from him. Augusto Alzate was terminated.

During the GFTP meeting Complainant stated that Managers knew this would happen and that the other employee (Augusto) would make comments during the sort and curse him out. Complainant brought up an incident from last year when he reported another employee, Peter Lorenzi #165551, for referencing Trayvon Martin in a conversation. XXXX was disciplined for his comments. Complainant stated that other employees called him a snitch.

Complainant was questioned if he had spoken to management or Human Resources regarding the on-going issues with Augusto that he referenced. Complainant responded that he did not. When asked why he did not, he stated that "everybody knows." Complainant was asked if he had ever filed a Workplace Violence regarding any of his concerns and he replied "No." Complainant was asked if he had spoken with his Senior Manager, Eric Warnders #342531, Manager, Monty Bovell #946349 or his HR Advisor, Lance Reyes #5115732. Complainant responded that he had not spoken to anyone in regard to the issues. Monty Bovell stated that he has not heard from Augusto Alzate regarding Complainant stating that he did not split the freight at the top of the belt and that it was causing recycle.

Complainant was asked if his actions could be considered intimidating. He responded, "Yes." Complainant stated that Augusto hit him with a box. Complainant was asked

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about the box hitting him and how it hit him. During his security interview he stated it almost hit him. Now he is stating that it hit him. Complainant stated that it hit his forearm. Looking at the CCTV video, Augusto was pushing the box to go back towards the correct belt and may have come in contact with Complainant's arm.

Complainant was asked if he was cursing during the altercation. Complainant denied cursing. However, witness statements state they were both cursing at each other. Complainant stated that Augusto was cursing at him.

Complainant was asked if he could have just walked away. He responded no, that Augusto is always bumping me, and he pulled the box cutter. Complainant wanted management to see Augusto being angry. Complainant was asked then why not walk away and tell management. He did not agree, he wanted management to see Augusto in an angry state. Complainant was asked if he reflected back on the altercation would he walk away now. Complainant responded, "Yes."

In closing Complainant's employment with FedEx was terminated on 05/25/2021 in accordance with the Acceptable Conduct Policy 2-5. A review of the facts surrounding his case indicate that his actions triggered the physical altercation that took place on 05/18/2021. A close look at the actions that led to the altercation, as well as the statements from witnesses, indicate his responsibility for inciting the other employee. The fact he felt he was not the aggressor in this altercation, is a moot point. Complainant's actions were intentional so that management would see Augusto angry. As a result, his actions incited the altercation. Complainant should have walked away from the situation and asked for the assistance of management. His actions are not as innocuous as he maintains and did not demonstrate the professionalism expected of all FedEx employees. Based on the aforementioned I uphold Complainant's termination. Based on allegations brought forward in Complainant's Step 1 GFTP Complaint he has been given EEO paperwork by HR Advisor, Lance Reyes.

- MD's position to uphold, modify or overturn management's decision communicated to Complainant
- District practices and similar decisions for comparable cases within the District, if any
- Any additional information presented by Complainant at the Step 1 GFTP meeting. Those issues should be investigated and addressed. If additional time is required to address issues raised, the MD should notify Complainant for the need of an extension in writing

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**VP RATIONALE: (Narrative Style)**

VP Ken Wilson concurs with management's decision.

On 05/25/2021, Complainant was issued a Warning/Termination Letter for violation of the Acceptable Conduct Policy 2-5; specifically, for Disruptive Behavior.

On 05/18/2021, Complainant was involved in a Workplace Violence (WPV) incident at the LGAA Station, along with another employee, LGAA Handler Augusto Alzate, during the AM sort. The internal investigation determined that the incident began with a verbal dispute between Complainant and Alzate. Reportedly, Alzate believed Complainant was improperly splitting packages on the sort belt, thereby creating "recycle", of which Alzate was required to handle. Complainant maintained that Alzate hit him (Complainant) repeatedly with customer packages, before approaching Complainant.

The incident was captured on station video surveillance and showed Alzate pushing multiple customer packages in Complainant's direction. When Alzate approaches him, Complainant appears to move towards Alzate, pushing Alzate with his chest. At which point Alzate removes a box cutter from a utility-belt pouch, extends the blade and physically advanced towards Complainant. The altercation was witnessed by other employees who were able to separate Complainant and Alzate without any reported injuries.

Corporate Security conducted a WPV investigation, which involved interviewing Complainant, Handler Alzate, and other witnesses, including Operations Manager Robert Mejia, was present during the AM sort on the day in question. Per the Security Investigative Report, one witness indicated that Complainant hit Alzate with his (Complainant's) shoulder, causing Alzate to step back, and then reached for the box cutter.

Other witnesses confirmed Alzate's actions. Manager Mejia confirmed there was a physical struggle between Alzate and Complainant, which was diffused by witnesses. Manager Mejia also confirmed that there were no reported injuries, and neither Complainant or Alzate requested the assistance of local law enforcement. The Step II GFTP Review finds that Handler Alzate's employment was also terminated on 05/25/2021.

Based on all of the facts presented to me, it is my decision to Uphold Complainant's Warning/Termination Letter.

**LEGAL CONSULTATION: (Narrative Style, if applicable)**

- State the legal counsel's name who provided consultation, if applicable
- State whether or not the legal counsel concurred with management's decision

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**IEEO: (Narrative Style, if applicable to this GFTP)**

At Step \_\_\_ of the GFTP process, Complainant raised allegations of discrimination. An internal investigation was opened pursuant to policy or deemed ineligible for the Internal EEO process.

**COMPANION GFTP: (Narrative Style, if applicable to this GFTP)**

- A narrative style statement indicating facts surrounding any companion cases of employees who also received disciplinary actions from management for the same or similar incident/infraction/policy violation

These cases should include employees who have or have not elected to initiate the GFTP process



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# COMPLAINANT'S PROFILE

**CURRENT POSITION:** 04/02/2021 to 05/25/2021 Courier / Non-DOT

## DISCIPLINE AND COUNSELING HISTORY:

Date	Type	Reason
11/10/2017	OLCC	Time Card Error
11/20/2017	OLCC	TLA
12/23/2017	OLCC	Punctuality
02/01/2018	OLCC	Time Card Error
02/08/2018	OLCC	Time Card Error
04/13/2018	OLCC	Time Card Error
04/19/2018	OLCC	Punctuality
05/01/2018	OLCC	Performance...Bulk Late
05/01/2018	OLCC	Performance...Missing Van Scans
05/11/2018	OLCC	Time Card Error
05/21/2018	OLCC	Performance...PO Overlook
07/18/2018	OLCC	Punctuality
08/06/2018	OLCC	Punctuality
08/30/2018	OLCC	Performance...Missing POD
10/05/2021	OLCC	Punctuality
10/12/2018	OLCC	Performance...Missing POD
01/01/2019	OLCC	Performance...OnRoad Counseling
03/19/2019	OLCC	Time Card Error
05/17/2019	OLCC	Punctuality
06/04/2019	OLCC	Performance...Missing POD
07/10/2019	OLCC	Punctuality
07/11/2019	OLCC	Performance...Lunch Break
07/26/2019	OLCC	Performance...positive OLCC
10/07/2019	OLCC	Performance...positive OLCC
11/14/2019	OLCC	Performance...OnRoad
02/05/2020	OLCC	Performance...Lunch Break
02/18/2021	OLCC	Performance...Service Failures
02/28/2020	OLCC	Performance...TLA

## LOA HISTORY (If Applicable):

From	To	# of Days
Beginning with oldest LOA history	MM/DD/YYYY	
MM/DD/YYYY	MM/DD/YYYY	
MM/DD/YYYY	MM/DD/YYYY	Total Days of LOA

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**ACCIDENT HISTORY** (If Applicable):

Date	Preventable/Non-Preventable
Beginning with oldest accident history	
MM/DD/YYYY	
MM/DD/YYYY	

**PRESENT MANAGEMENT:**

	First MI Last	
MANAGER	Monty Bovell	718-894-3305
SR. MANAGER	Eric Warnders	718-894-3305
MNG DIRECTOR	Nanette Malebranche	212-290-6619
VP	Kenneth Wilson	973-682-3779
SR VP	Shannon Brown	901-434-3350
HR REP	Lance Reyes	800-225-8488
HR MANAGER	Steven Wasserman	508-620-2005
HR SR MANAGER (if applicable)	N/A	N/A
HR MD	Crystal R. Oliver	901-434-4964

**HIRING MANAGEMENT: (for selection cases)**

	First MI Last	
MANAGER	Manager Name	000-000-0000
SR. MANAGER	Sr. Manager Name	000-000-0000
MNG DIRECTOR	MD Name	000-000-0000
VP	VP Name	000-000-0000
SR VP	Sr. VP Name	000-000-0000
HR REP	HR Rep Name	000-000-0000
HR MANAGER	HR Manager Name	000-000-0000
HR SR MANAGER (if applicable)	HR SR Manager Name	000-000-0000
HR MD	HR MD Name	000-000-0000

**NOTE:** After Step 2 information is entered, the Executive Summary must be emailed to [hrc.gftp@fedex.com](mailto:hrc.gftp@fedex.com)



August 23, 2021

Kevin Campbell  
2024 31<sup>st</sup> Street  
Apt. 1A  
Astoria, NY 11105

Dear Mr. Campbell:

We would like to thank you for utilizing the FedEx internal employee complaint process to have your issues of concern reviewed by subsequent levels of management.

The Appeals Board convened on August 23, 2021, at your request, to review your Warning Letter/Termination on May 25, 2021, for violation of the Acceptable Conduct policy.

The Board carefully analyzed the facts surrounding your GFTP complaint and it was the Board's decision to uphold your Warning Letter/Termination.

This is the final step of the GFTP process; therefore, the decision of the Appeals Board is final and binding on you and the Company.

For the Appeals Board,

A handwritten signature in black ink, appearing to read "Brandon Tolbert".

Brandon Tolbert  
Appeals Board Administrator